

Yeany, Philip

From: Yeany, Philip
Sent: Friday, July 11, 2014 1:55 PM
To: Melissa Toffel
Subject: Ernest Martin

Melissa,

I got a green card back today signed by Fred Tichnell for Fast Freddy's.

Phil
x2495

Yeany, Philip

From: Toffel, Melissa
Sent: Friday, July 11, 2014 1:58 PM
To: Yeany, Philip
Subject: RE: Ernest Martin

WOOHOO!!! That's great news! Really hoping you get one from Ernie ☺ Thanks for letting me know...

Melissa Toffel
U.S. EPA Region III
Office of Land Enforcement
1650 Arch Street (Mail Code 3LC70)
Philadelphia, PA 19103
P: 215-814-2060
F: 215-814-3163



From: Yeany, Philip
Sent: Friday, July 11, 2014 1:55 PM
To: Toffel, Melissa
Subject: Ernest Martin

Melissa,

I got a green card back today signed by Fred Tichnell for Fast Freddy's.

Phil
x2495

Yeany, Philip

From: Toffel, Melissa
Sent: Thursday, June 12, 2014 9:32 AM
To: Porter, Ruth M
Cc: Yeany, Philip
Subject: Some Ernest Martin (FIN 3-906331) questions...

Hi Ruth – Hope all is well in WV. I met with my attorney, Phil Yeany, today to get the ball rolling on the Show Cause Letter we plan to send to Ernest Martin (re Bishop's Convenience Store), and we had a few questions we were hoping you could answer:

- 1) Is there a formal registration form that lists the tanks that were at the site? I got the info for what was there from conversations we've had, and things I might have picked up from your info requests to Martin, but we would like the formal WVDEP registration.
- 2) We were planning to cite Martin for failing to notify of the removal, and failure to do the site assessment, but we were wondering if there were any release detection/CP/overflow/etc violations that had been found through a WVDEP inspection that might have taken place at the facility before the tanks were removed? We just want to make sure there weren't any additional violations that you wanted added.
- 3) We have noticed Fred Tichnell's name popping up all over the place, but he doesn't seem to be linked to the site formally to where we could list him as a respondent. Is there anything on your end connecting Tichnell to the site, as maybe an operator? Or does he now own the site and has he submitted anything to you guys to that effect?

Sorry to bother, but especially since this guy has been so difficult to try to deal with we want to make sure we have all our ducks in a row before our letter goes out. Thanks Ruth!

*Melissa Toffel
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Office of Land Enforcement
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Philadelphia, PA 19103
P: 215-814-2060
F: 215-814-3163*

Yeany, Philip

From: Porter, Ruth M <Ruth.M.Porter@wv.gov>
Sent: Thursday, June 12, 2014 4:13 PM
To: Toffel, Melissa
Cc: Yeany, Philip
Subject: RE: Some Ernest Martin (FIN 3-906331) questions...
Attachments: Ernest martin info requested by EPA 6-12-14.pdf

Melissa

I think the attached information answers questions 1 and 2 for you. the last inspection was in 2010, it was due again for inspection in 2013;however, the tanks were illegally removed in 2012.

As for question 3, I have no direct knowledge of Mr. Tichnell operating tanks at the station. It was alleged by the neighbors that Mr. Tichnell assisted Mr. Martin in the removal of the USTs. We never had conclusive proof of that. We tried to get that information out of Martin, but was unsuccessful. Mr. Tichnell now is the current property owner. Since the tanks were removed prior to Mr. Tichnell acquiring the property, he had no requirement to file any paperwork with us.

I hope this helps, if you need anything further, please let me know.

Ruth

Ruth M. Porter
UST Program Manager
WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304
Telephone: 304-926-0499 ext. 1007
Fax: 304-926-0457
Ruth.M.Porter@wv.gov

From: Toffel, Melissa [mailto:Toffel.Melissa@epa.gov]
Sent: Thursday, June 12, 2014 9:32 AM
To: Porter, Ruth M
Cc: Yeany, Philip
Subject: Some Ernest Martin (FIN 3-906331) questions...

Hi Ruth – Hope all is well in WV. I met with my attorney, Phil Yeany, today to get the ball rolling on the Show Cause Letter we plan to send to Ernest Martin (re Bishop's Convenience Store), and we had a few questions we were hoping you could answer:

- 1) Is there a formal registration form that lists the tanks that were at the site? I got the info for what was there from conversations we've had, and things I might have picked up from your info requests to Martin, but we would like the formal WVDEP registration.
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had been found through a WVDEP inspection that might have taken place at the facility before the tanks were removed? We just want to make sure there weren't any additional violations that you wanted added.

- 3) We have noticed Fred Tichnell's name popping up all over the place, but he doesn't seem to be linked to the site formally to where we could list him as a respondent. Is there anything on your end connecting Tichnell to the site, as maybe an operator? Or does he now own the site and has he submitted anything to you guys to that effect?

Sorry to bother, but especially since this guy has been so difficult to try to deal with we want to make sure we have all our ducks in a row before our letter goes out. Thanks Ruth!

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U.S. EPA Region III
Office of Land Enforcement
1650 Arch Street (Mail Code 3LC70)
Philadelphia, PA 19103
P: 215-814-2060
F: 215-814-3163

UST Operation/Compliance Monitoring Checklist

LD ☒ NIC ☒ 98 ☒ NIC
[] SIC [] SICWV Department of Environmental Protection
Division of Water and Waste Management
Environmental Enforcement/UST UnitWhite - Owner
Canary - Operator
Pink - Charleston
Goldenrod - Inspector601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0470

Facility Information

Facility Name: Bishops CONY. STORE Facility ID #: 3906331
Facility Location: Box 345 RT 50 E AURORA, WV 26705
Owner: ERNEST MARTIN Phone: 301 334-3285 Operator: — Phone: —

Registration and Records

Financial Responsibility Company: NONEExp Date: — Policy #: —Registration information: Verified — Modified —GPS: 39° 19.31' N 79° 29.80' WModifications: —

Inspection Information

Date: 9/19/10 Time in: 1100 Time Out: —Inspector: T. WISNEL

Purpose of Inspection

Initial Compliance: ☒ Follow Up: —Other: COMPLAINT

ATG - automatic tank gauge	FILLSO - fill shut off valve	INTLN - interior lining	PTT - piping tightness test
CIU - Currently in Use	FLEX - flexible plastic	INV/IT - inventory control & tightness test	SECCON - double wall monitoring
COMP - properly coated steel	FRP - fiberglass reinforced plastic	JACK - steel in plastic jacket	SIR - statistical inventory reconciliation
CPS - cathodically protected steel	G - Galvanic	MLLD - mechanical line leak detector	TOS - Temporarily out of Service
DW - Double Wall	GWM - groundwater monitoring	MTG - manual tank gauging	UPS - unprotected steel
ELLD - electronic line leak detector	I(IC) - Impressed Current		VENTVAL - vent valve/ball float

Tank Information:

						<input type="radio"/> In compliance	<input checked="" type="radio"/> Not in Compliance	<input checked="" type="checkbox"/> See comments
Tank	Product	Size	Install Date	Tank Status	Construction (Corrosion Protection)	Leak Detection	Spill Prevention	Overfill Prevention
1	Plus	4K	5/87	TOS	Comp w/	XV 1" of fuel	X SPBAS	0 F.I./ISO 0
2	RUL	↓	↓	↓	ANODES OR	XV	X ↓	0 ↓ 0
3	PUL	↓	↓	↓	STIP 3	XV	X ↓	0 ↓ 0
4	Heating oil	2K	↓	↓	—	- EXEMPT	-	-
ABOVE GROUND TANK FOR DL OR RCD.								

Piping Information:

ID	Install Date	Sump tightness test info	Int/Sump sensor	Construction	Pump Type	Leak Detection
1	10/94	✓	✓	FRP w/ booted	0 SX	CHARTVAL 0
2	↓	✓	✓	Fib under	0 ↓	↓ 0
3	↓	✓	✓	Dispenser	0 ↓	↓ 0

Tank repairs: [] Date:
Piping repairs: [] Date:
Dispenser repairs: [] Date:Carrier Information:
Comments:

Inspector Comments:

SEE ATTACHMENTNOV IN 2/09 FOR BACK REES!Photographs Taken ☒Site Sketch attached ☐Additional Comment Page ☒Copy of Regulations left on site ☐Violations Issued ☐Inspector's Signature: T. WisnelDate: 9/19/10Contact Person's Signature: —Date: —☒ No Further Action at this Time☐ Follow up Required. Corrective actions must be completed by —Actions Required: —

White - Owner
 Canary - Operator
 Pink - Charleston
 Goldenrod - Field Office

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 OFFICE OF ENVIRONMENTAL ENFORCEMENT - UST UNIT

ATTACHMENT FOR: Bishops Conv. Store
AUROCA, WV

FACILITY ID# 3-906331

DATE 9/9/10

OWNER/OPERATOR: ERNEST MARTIN

- While performing inspection, neighbors came over to investigate. The lady was the person who called in complaint on 8/26/10. She claimed that a truck or trucks have been adding or removing fuel to or from tanks. She was concerned about the legality of such action. The man w/ her (Husband I presume) concurred w/ all her statements. They were very well aware of Mr. Ernest Martin's shenanigans. You could see tire tracks in the grass where a truck had probably backed up to tanks, but sticking all the tanks there was only 1" of fuel in all of them, even the heating oil tank. There was 3" of fuel in all the tanks in 8/08 inspection! The neighbors told me where Mr. Martin lived + how to find his house, in Maryland.
- Tanks maybe comp or Strip 3. If comp they may have anodes. There is a test station in Pulaski Bucket.
- There are 3 MWS from leak site - unable to open - file says 1" - photos
- GWMW is dry and unfit for L.O.

SERVICES/ACCEPTED AND ACKNOWLEDGED:

SIGNATURE: _____

Environmental Enforcement Inspector

Owner/Operator

DATE: _____

SIDE BAR
 ↓

Neighbor returned while writing report to explain that he, his wife, and numerous residents in the neighborhood were upset w/ Mr. Martin and how he always get away with everything. They wished the State or Fed Govt. would lock him up + remove tanks.

UST Operation/Compliance Monitoring Checklist

LD ☒ NIC 98 ☒ NIC
[] SIC [] SICWV Department of Environmental Protection
Division of Water and Waste Management
Environmental Enforcement/ UST UnitWhite - Owner
Canary - Operator
Pink - Charleston
Goldenrod - Inspector601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0470

Facility Information

Facility Name: Bishop Convenience Store Facility ID #: 3-906331
Facility Location: Box 345 Rt 50 Aurora WV 26705
Owner: ERNEST MARTIN Phone: 336-3284 Operator: _____ Phone: _____

Registration and Records

Financial Responsibility Company: NONEDate: 8/11/08 Time in: 1000 Time Out: _____

Exp Date: _____ Policy #: _____

Inspector: T. Wisner

Registration information: Verified _____ Modified _____

GPS: 39° 17.308' N 79° 29.989' W

Modifications: _____

Purpose of Inspection

Initial Compliance: ☒ Follow Up: _____

Other: _____

ATG - automatic tank gauge FILLSO - fill shut off valve INTLN - interior lining PTT - piping tightness test
 CIU - Currently in Use FLEX - flexible plastic INV/TT - inventory control & tightness test SECCON - double wall monitoring
 COMP - properly coated steel FRP - fiberglass reinforced plastic JACK - steel in plastic jacket SIR - statistical inventory reconciliation
 CPS - cathodically protected steel G - Galvanic MLLD - mechanical line leak detector TOS - Temporarily out of Service
 DW - Double Wall GWM - groundwater monitoring MTG - manual tank gauging UPS - unprotected steel
 ELLD - electronic line leak detector I (IC) - Impressed Current VENTVAL - vent valve/ball float

Tank Information

Tank	Product	Size	Install Date	Tank Status	Construction (Corrosion Protection)	Leak Detection	Spill Prevention	Overfill Prevention
1	GAS	4K	6/97	TOS	CPS KG	3" of fuel in tanks	SPBAS	Ball float
2	↓	↓	↓	↓	↓	↓	↓	↓
3	↓	↓	↓	↓	↓	↓	↓	↓

Piping Information

ID	Install Date	Sump tightness test info	Int/Sump sensor	Construction / CP	Pump Type	Leak Detection
1	10/91	✓	✓	FRP u/f/b	SY	checkval
2	↓	✓	✓	↓	↓	↓
3	↓	✓	✓	↓	↓	↓

Tank repairs: [] Date: _____ Carrier Information: _____
 Piping repairs: [] Date: _____ Comments: _____
 Dispenser repairs: [] Date: _____

Inspector Comments:

NEED proof of INS., Back Registration fees, NEED 3YR CPTTS, NEED 1 D ON TANKS

could not verify overfill prevention or checkval dispensers

Photographs Taken [] Inspector's Signature: T. Wisner Date: 8/11/08Site Sketch attached [] Contact Person's Signature: By mail Date: _____Additional Comment Page []
Copy of Regulations left on site [] ☐ No Further Action at this Time ☐ Follow up Required. Corrective actions must be completed by _____Violations Issued ☒ Actions Required: _____

NOV 15 2008 BUT NOT PICKED UP

20

White-Owner
Green-Operator
Canary-Charleston
Pink-Field Office

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT - UST UNIT

ATTACHMENT FOR

Bishop Com Store
Box 345, Rt. 50, Aurora, WV 26705

ORDER, COMPLAINT, OR
NON #

(circle one)

FROM: 3906331

OWNER/OPERATOR

3 tanks w/ 3 dispensers
1-Kerosene w/ off rd diesel AST

All 3 tanks have approx. 3" of fuel/H₂O

called owner in Oakland Md. - He said he would send
the proof ins. + CP to DEP.

I informed him the tanks weren't locked + there was
3" of fuel in them. He stated he was going to sell to someone.

NEED CP, INS;

SERVICES/ACCEPTED AND ACKNOWLEDGED

SIGNATURE:

Owner/Operator

[Signature]

Division of Water and Waste Management

DATE:

8/11/08

UST-6 (Rev. 1/05)

WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER & WASTE MANAGEMENT
UNDERGROUND STORAGE TANK UNIT
601 57TH Street SE
Charleston, WV 25304
(304) 926-0465



White - Owner
Green - Operator
Canary - Charleston Office
Pink - Field Office

INFORMATION REQUEST

WVID 3706331
OPERATOR

OWNER		OPERATOR	
Name: <u>ERNEST MARTIN</u>	Name: _____		
Address: <u>4706 GARRETT HWY</u>	Address: <u>SAME</u>		
City: <u>OAKLAND</u> State: <u>MD</u> Zip: <u>21550</u>	City: _____ State: _____ Zip: _____		
Phone: (301) <u>334-3284</u>	Phone: () _____		

LOCATION OF TANKS

Facility Name: Former Bishop's C-Store Address: Rt 50 Aurora
City: AURORA County: PRESTON Phone: () _____

TO THE TANK OWNER AND OPERATOR

Additional information is required to determine compliance with the provisions of Chapter 22, Article 17 Section(s) _____ of the Rules and Regulations in that you:

NEED TO FURNISH PROOF OF INSURANCE

NEED TO FURNISH LAST CORROSION PROTECTION TEST RESULTS

You shall submit the required information on or before the 1st day of Sept, 20 08.

FAILURE TO CONDUCT THE REQUIRED INVESTIGATION WITHIN THE TIME SPECIFIED MAY RESULT IN THE ISSUANCE OF A NOTICE OF NON-COMPLIANCE OR AN ADMINISTRATIVE ORDER.

SERVICE ACCEPTED AND ACKNOWLEDGED:

Signature: By Cert. MAIL
Owner/Operator

TRD Warner
Office of Waste Management

Date: 8/14/08 Send information to: _____

98- NIC
LD- NIC

UST-1 (06/03)

Existing UST Facility Checklist



White-Owner
Green-Operator
Canary-Charleston Office
Pink-Field Office

1356 Hansford Street
Charleston, WV 25301-1401
304-558-6371

WV Department of Environmental Protection
Division of Water and Waste Management
Underground Storage Tank Unit

Facility Information	
Facility Name: <u>former Bishops C-Store</u>	Facility Location: <u>Rt 50, Aurora (1 mile west of MD line)</u>
Registration Number: <u>390 6331</u>	Permit/Registration Date: <u>6-11-01</u>
Owner: <u>Ernie Martin</u> Phone: <u>301-334-3284</u>	Operator: _____ Phone: _____

Registration and Records	
Registration Information: Verified <input checked="" type="checkbox"/> Modified _____	
Financial Responsibility: <u>NONE</u>	
Certification of Proper Installation: <input checked="" type="checkbox"/>	
Repair Records: <input checked="" type="checkbox"/>	
Closure Assessments: <input checked="" type="checkbox"/>	

Inspection Information	
Date: <u>4-1-05</u> Time In: <u>11:30</u> Time Out: <u>1:30</u>	
Inspector: <u>Jim Martin</u>	

Purpose of Information	
Initial Compliance Inspection: _____	
Follow Up: _____	
Other: _____	

Potential Contamination Receptor(s)	
Groundwater: <input checked="" type="checkbox"/> distance <u>100ft.</u>	Surface Water Body: _____
Private well: _____ distance _____	Specify: <u>Unstated tributary to Little</u>
Public well: _____ distance _____	<u>Youghiogheny</u>
Significant aquifer: _____ distance _____	Distance: <u>400 ft.</u>
Utilities: _____	Other: _____

Please use one of the following notations when filling in boxes 6 & 7:
(based on visual observation)

<input checked="" type="checkbox"/> In Compliance	<input checked="" type="checkbox"/> Not in Compliance	<input checked="" type="checkbox"/> See Additional Page
---	---	---

6. Tank Information								
Tank No.	Product	Size	Date Installed	Tank Status	Construction (corrosion protection)	Leak Detection	Spill Prevention	Overfill Prevention
1	G	4K	6-87	TEMP OOS	CPS/G <input checked="" type="checkbox"/>	NONE <input checked="" type="checkbox"/>	SPBAS <input checked="" type="checkbox"/>	VENTUAL <input checked="" type="checkbox"/>
2	G	4K	6-87	TEMP OOS	CPS/G <input checked="" type="checkbox"/>	NONE <input checked="" type="checkbox"/>	SPBAS <input checked="" type="checkbox"/>	VENTUAL <input checked="" type="checkbox"/>
3	G	4K	6-87	TEMP OOS	CPS/G <input checked="" type="checkbox"/>	NONE <input checked="" type="checkbox"/>	SPBAS <input checked="" type="checkbox"/>	VENTUAL <input checked="" type="checkbox"/>

7. Piping Information					
Tank No.	Product	Date Installed	Construction (corrosion protection)	Pump Type - Pressure/Suction	Leak Detection
1	G	10-94	FRP+Flex <input checked="" type="checkbox"/>	SUCTION <input checked="" type="checkbox"/>	NONE <input checked="" type="checkbox"/>
2	G	10-94	FRP+Flex <input checked="" type="checkbox"/>	SUCTION <input checked="" type="checkbox"/>	NONE <input checked="" type="checkbox"/>
3	G	10-94	FRP+Flex <input checked="" type="checkbox"/>	SUCTION <input checked="" type="checkbox"/>	NONE <input checked="" type="checkbox"/>

Photographs Taken: _____	Inspector's Signature: <u>Jim Martin</u> Contact Person's Signature: <u>Sent By Mail</u> Follow Up Required: <input checked="" type="checkbox"/> No Further Action at this Time: _____	Date: <u>4-1-05</u>
Site Sketch: _____		Date: _____
Additional Comment Page: _____		
Copy of Regulations Left On Site: _____		

UST-5 (Rev. 06/04)

White-Owner
Green-Operator
Canary-Charleston
Pink-Field Office.

DIVISION OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT - UST UNIT

ATTACHMENT FOR 3906331

ORDER, COMPLAINT, OR
NON #

(CIRCLE ONE)

FROM # UST-1

OWNER/OPERATOR Visited site this date due to
doing a CMI approximately 2 miles down the
road. I wanted to check the current
status since the previous owner went
bankrupt.

A Mr. Ernie Martin bought the site
from the bank (although the deal may not be
completed yet) on or about Feb. 28, 2005.

The site is not in compliance with CP
testing requirements and leak detection. As far
as I can tell there is not an active insurance
policy in effect.

Mr. Martin said he plans to remove the tanks
sometime in the future. He can be contacted

At: 4906 Garrett Highway

Oakland, MD

301-334-3284

21550-2312

SERVICES/ACCEPTED AND ACKNOWLEDGED

SIGNATURE: Sent By Mail
Owner/Operator

Jim Martin
Division of Water and Waste Management

Date: 4-1-05

Porter, Ruth M

From: Noll, Jeanne
Sent: Friday, March 30, 2012 10:05 AM
To: Wisner, Ted E; Nobles, William W
Cc: Porter, Ruth M; Fenske, James R; Dolly, Robin C; Sanders, Mary J
Subject: Preston Co diesel/gasoline complaint-former Whitey's in Aurora

Importance: High

Friday 03/30/12 9:50am

Anonymous: Lots of digging and other activity and diesel and/or gasoline fumes at former Whitey's Trucking or service station on Route 50 in Aurora, Preston Co. Caller is afraid something is going to blow up. Per caller, site has history of legal problems and papers served by Sheriff.

Jeanne Noll

WV DEP EE

HC 63 Box 2545

Romney WV 26757

Ph: 304.822.7266 x3600

Fax: 304.822.3687



File

west virginia department of environmental protection

Environmental Enforcement
Hazardous Waste/Underground Storage Tanks
601 57th Street SE
Charleston, WV 25304
Telephone: 304-926-0470 Fax: 304-926-0457

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

HAND DELIVERY FORM

Information request for (Facility ID 3-906331) dated April 25, 2012
has been received for the Bishop's Convenience Store, on this the 13th
day of June, 2012 as certified by the signature of the facility
representative.

Refused to Sign
Facility Representative Signature

Delivered by:

Ted Wisner & Jamie
WVDEP Kenske

Date delivered

6/13/12

Time delivered

1230

Promoting a healthy environment



SPILMAN THOMAS & BATTLE, PLLC
ATTORNEYS AT LAW

Alexander Macia
Direct: 304.340.3835
Email: amacia@spilmanlaw.com

April 16, 2012

Via Facsimile 304.926.0447
Annette Hoskins, Secretary I
Public Information Office
WV Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304

Re: FOIA Request

Dear Ms. Hoskins:

Pursuant to the provisions of W. Va. Code § 29B-1-1, et seq., the West Virginia Freedom of Information Act, I am requesting that the West Virginia Department of Environmental Protection ("DEP"), or its appointed agent, make available copies of any documents, letters, notes, emails, phone messages, or any other correspondence or report relating to complaints received by the DEP for the past 3 years relating to the following facility:

Bishops Convenience Store
27354 George Washington Hwy
Aurora, WV 26705
County: Preston
State ID: 3-906331

Of course, we will reimburse your office for all expenses associated with obtaining and copying all requested information.

Your cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at the number listed above.

Sincerely,

Alexander Macia / Jk2

Alexander Macia

Gibson, Jeff S

From: DEP FOIA
Sent: Tuesday, April 17, 2012 8:28 AM
To: Chandler, Jeanne; Gibson, Jeff S; Henson, Jessica A; Kozak, Peggy J; Smith, Michelle K; Webb, Patricia; White, Joni J
Subject: 2012-076-04 – Alexander Macia – April 17, 2012
Attachments: DOC041612.pdf

Re: Freedom of Information Act (FOIA) Request #2012-076-04

3-906331

Attached, please find a FOIA from Alexander Macia with Spilman Thomas & Battle. Please contact the requester at amacia@spilmanlaw.com to let them know whether or not you have the requested information and when they can view/copy/receive it. Please reference the above FOIA number and respond to depfoia@wv.gov with the amount invoiced and your mail code when complete.

Annette Hoskins
Ext. 1659

approx 100 pages

Annette L Hoskins
WV DEP – Public Information Office
601 57th Street, SE
Charleston, WV 25304
Office: 304-926-0499 ext. 1659
Fax: 304-926-0447
Annette.L.Hoskins@wv.gov

dep

West Virginia
Department of Environmental Protection

10/2004

Notification for Underground Storage Tanks

W. Va. Department of Environmental Protection
Division of Water & Waste Management - UST
601 57th St.
Charleston, WV 25304

STATE USE ONLY

ID NUMBER:

3906331

DATE RECEIVED:

DATE ENTERED INTO COMPUTER:

DATA ENTRY CLERK INITIALS:

OWNER WAS CONTACTED TO CLARIFY RESPONSES, COMMENTS:

163161

SEP 13 2006

TYPE OF NOTIFICATION

☐ A. NEW FACILITY☒ B. AMENDED☐ C. CLOSURE3 Number of tanks
at facility

Number of continuation sheets attached

INSTRUCTIONS AND GENERAL INFORMATION

Please type or print in ink. Also, be sure you have signatures in ink for sections VIII and XI. Complete a notification form for each location containing underground storage tanks. If more than 5 tanks are owned at this location, you may photocopy pages 3 through 5 and use them for additional tanks.

The primary purpose of this notification program is to locate and evaluate underground storage tank systems (USTs) that store or have stored petroleum or hazardous substances. The information you provide will be based on reasonably available records, or in the absence of such records, your knowledge or recollection.

State law requires UST owners to use this notification form for all USTs storing regulated substances that are brought into use after May 1, 1990, (May 8, 1986, by Federal law) or USTs in the ground as of May 1, 1990, (May 8, 1986 by Federal law) that have stored regulated substances at any time. The information requested is required by the West Virginia Underground Storage Tank Act, Chapter 22 Article 17.

Who Must Notify? The UST Act requires owners of USTs that store regulated substances (unless exempted) to notify the Department of Environmental Protection of the existence of their USTs. "Owner" is defined as:

- In the case of an UST in use on November 8, 1984, or brought into use after that date, any person who owns an UST used for storage, use, or dispensing of regulated substances; or
- In the case of an UST in use before November 8, 1984, but no longer in use on that date, any person who owned the UST immediately before the discontinuation of its use.

Also any facility that has made any changes to facility information or UST system status, must submit a notification form.

What USTs Are Included? An UST system is defined as any one or combination of tanks that (1) is used to contain an accumulation of regulated substances, and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Regulated USTs store petroleum or hazardous substances (see the following "What Substances Are Covered").

What Tanks Are Excluded From Notification?

- Tanks removed from the ground on or before May 8, 1986;
- Farm or residential tanks of 1,100 gallons or less capacity storing motor fuel for noncommercial purposes;
- Tanks storing heating oil for use on the premises where stored;
- Septic tanks;
- Pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws;
- Surface impoundments, pits, ponds, or lagoons;
- Storm water or waste water collection systems;
- Flow-through process tanks;
- Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
- Tanks on or above the floor of underground areas, such as basements or tunnels;
- Tanks with a capacity of 110 gallons or less.

What Substances Are Covered? The notification requirements apply to USTs containing petroleum or certain hazardous substances. Petroleum includes gasoline, used oil, diesel fuel, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). Hazardous substances are those found in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA.

Where To Notify? Send completed forms to:

W. Va. Department of Environmental Protection
Division of Water & Waste Management - UST
601 57th St.
Charleston, WV 25304

When To Notify? 1. Owners of USTs in use or that have been taken out of operation, but still in the ground must notify by May 1, 1990, (May 8, 1986, by Federal law). 2. Owners who bring USTs into use after May 1, 1990, (May 8, 1986, by Federal law) must notify within 30 days of bringing the UST into use. 3. Notification of any amendments to facility must be filed by December 31 of that year. 4. New owners.

Penalties: Any owner who knowingly fails to register or submits false information shall be subject to a civil penalty not to exceed \$10,000 for each tank that is not registered or for which false information is submitted.

I. OWNERSHIP OF UST(s)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Ernest Martin

Street Address

4906 Barnett Hwy

County Barnett

City

Oakland

State

MD

Zip Code

21550

Phone Number (Include Area Code)

301-334-3284

II. LOCATION OF UST(s)

Example: Latitude 42° 36' 12" N, Longitude 85° 24' 17" W

Latitude

Longitude

Facility Name or Company Site Identifier, as applicable

Street Address

County

City

State

Zip Code

dep

West Virginia
Department of Environmental Protection

10/2004

Notification for Underground Storage Tanks

III. TYPE OF OWNER

- ☐ Federal Government
☐ State Government ☐ Commercial
☐ Local Government ☒ Private

IV. INDIAN COUNTRY

USTs are located on land within an Indian Reservation or on trust lands outside reservation boundaries.

☐

Tribe or Nation where USTs are located:

USTs are owned by a Native American nation or tribe.

☐

V. TYPE OF FACILITY

- ☒ Gas Station
☐ Petroleum Distributor
☐ Air Taxi (Airline)
☐ Aircraft Owner
☐ Auto Dealership
- ☐ Railroad
☐ Federal - Non-Military
☐ Federal - Military
☐ Industrial
☐ Contractor
- ☐ Trucking/Transport
☐ Utilities
☐ Residential
☐ Farm
☐ Other (Explain) _____

VI. CONTACT PERSON IN CHARGE OF TANKS

Name: *Ernest Martin* Job Title: _____ Address: *4906 Garrett Hwy
Abingdon MD* Phone Number (Include Area Code): *301-334-3284*

VII. FINANCIAL RESPONSIBILITY

☐ I have met the financial responsibility requirements (in accordance with 40 CFR Subpart H) by using the following mechanisms:

Check All that Apply

- ☐ Self Insurance
☐ Commercial Insurance
☐ Risk Retention Group
☐ Local Government Financial Test
- ☐ Guarantee
☐ Surety Bond
☐ Letter of Credit
☐ Bond Rating Test
- ☐ Other Method (describe here) _____

VIII. CERTIFICATION (Read and sign after completing ALL SECTIONS of this notification form)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in Sections I through XI of this notification form and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative (Print)

Signature

Date Signed

Notification for Underground Storage Tanks

IX. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for all tanks and piping at this location.)

Tank Identification Number	Tank No. <u>1</u>	Tank No. <u>2</u>	Tank No. <u>3</u>	Tank No. _____	Tank No. _____
1. Status of Tank (check only one)					
Currently In Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporarily Closed (Must Complete Section X on page 5)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permanently Closed (Must Complete Section X on page 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Date of Installation (month/year)	<u>6-87</u>	<u>6-87</u>	<u>6-87</u>		
3. Estimated Total Capacity (gallons)	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>		
4. Material of Construction (check all that apply)					
Asphalt Coated or Bare Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cathodically Protected Steel*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coated and Cathodically Protected Steel*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Indicate Impressed Current (IC) or Galvanic (G)	<u>G</u>	<u>G</u>	<u>G</u>		
Composite (Steel Clad with Fiberglass)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fiberglass Reinforced Plastic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lined Interior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excavation Liner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Double Walled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Polyethylene Tank Jacket	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Concrete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Other, please specify here					
Check box if tank has ever been repaired	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Piping Material (check all that apply)					
Bare Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Galvanized Steel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fiberglass Reinforced Plastic	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cathodically Protected *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Indicate Impressed Current (IC) or Galvanic (G)					
Flexible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Double Walled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secondary Containment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify					
Brand Name					
Date of Installation (month/year)	<u>9-94</u>	<u>9-94</u>	<u>9-94</u>		
6. Piping Type					
(Check all that apply)					
Safe Suction (no valve at tank)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
U.S. Suction (valve at tank)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pressure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gravity Feed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Check box if piping has ever been repaired	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

□ □ □ □ □

7

☐

dep

West Virginia
Department of Environmental Protection

10/2004

Notification for Underground Storage Tanks

Tank Identification Number

Tank No. 1Tank No. 2Tank No. 3

Tank No. _____

Tank No. _____

X. CLOSURE OR CHANGE IN SERVICE

1. Closure or Change in Service

Estimated date the UST was last used for storing regulated substances (month/day/year)

Check box if this is a change in service to a non-regulated tank

6-046-046-04☐☐☐☐☐

2. Tank Closure

Estimated date tank closed (month/day/year)

(check all that apply below)

Tank was removed from ground

Tank was closed in ground

Tank filled with inert material

Describe the inert fill material here

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

3. Site Assessment

Check box if the site assessment was completed

Check box if evidence of a leak was detected

☐☐☐☐☐☐☐☐☐☐

XI. CERTIFICATION OF INSTALLATION (COMPLETE FOR UST SYSTEMS INSTALLED AFTER DECEMBER 22, 1988)

Installer Of Tank And Piping Must Check All That Apply:

Installer certified by tank and piping manufacturers

Installer certified by the WVDEP

Installation inspected by a registered engineer

Installation inspected by the WVDEP

Manufacturer's installation checklists have been completed

Another method

Please specify here

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Signature of WVDEP Certified UST Worker Certifying Proper Installation, Repair, Upgrade, Closure, or Change-in-Service of UST System

Name

Signature

Date

WVDEP Certification #

Company



11/27/11
Copy to UST File
Forwarded to M. Zeto
3906331

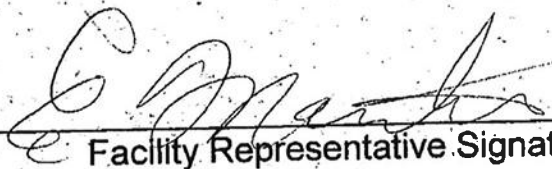
west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: 304-926-0470 Fax: 304-926-0488

Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

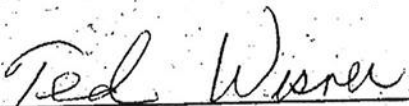
HAND DELIVERY FORM

Order Number UST-10-053 dated the 7th day of September,
2010 has been received by Ernest Martin/Bishop Convenience Store
on this the 11th day of January, 2011 as certified by the
signature of the facility representative.


Facility Representative Signature

3-906331

Delivered by:


WVDEP

Date delivered

1/11/11

Time delivered

1200

Received

JAN 24 2011

Promoting a healthy environment.

WV DEPARTMENT OF ENVIRONMENTAL PROTECTION

3906331

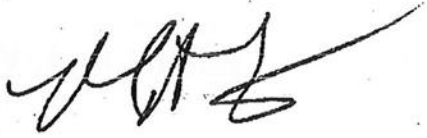


west virginia department of environmental protection

Environmental Enforcement
601 57th Street, SE
Charleston, WV 25304
Telephone: 304-926-0470 Fax Number: 304-926-0488

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

MEMORANDUM

To: Judy Thomas, Chief, OLS
From: Michael A. Zeto, Chief Inspector 
Date: March 17, 2011
Subject: Collection Letter—Ernest Martin-- UST-10-053

I am providing you the enclosed information addressing unpaid fees by the above-referenced facility. Please proceed with sending the responsible party a letter addressing the necessity for payment of fees due or face alternative enforcement action. If the response to the letter is inadequate, please contact me in order to discuss further action. Please copy me on all correspondence generated during the course of this matter.

Attachment

cc w/out attachment:

Scott G. Mandirola, Director, DWW (via email)
Joe Sizemore, Assistant Chief Inspector, HW/UST (via email)
Ruth Porter, Environmental Resources Program Manager, UST (via email)



west virginia department of environmental protection

Office of Legal Services
601 57th Street, SE
Charleston, WV 25304
304-926-0460
926-926-0461 Fax

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

April 12, 2011

Mr. Ernest Martin
Bishop Convenience Store
4906 Garrett Hwy.
Oakland, MD 21550

Via Certified Mail
Return Receipt Requested

RE: Underground Storage Tank Registration Fees
Order No: UST-10-053
Facility ID # 3-906331

Dear Mr. Martin:

The above-referenced matter has been referred to the West Virginia Department of Environmental Protection's Office of Legal Services. In order to resolve this matter without the need for legal action, I would ask that you please read and respond to this letter.

As you are aware, in accordance with W. Va. Code § 22-17-1 et seq., on September, 7 2010, you were issued Order No. UST-10-053 regarding your failure to make full and timely payment of fees in the amount of \$2,160.00 pursuant to the Underground Storage Tank Fees Assessment Rule, in violation of Legislative Rule Title 33, Series 31, Section 4.5. A copy of the Order is enclosed. You had the right to appeal the Order to the Environmental Quality Board in accordance with the provisions of Section 18, Article 17, Chapter 22 of the Code of West Virginia within thirty (30) days after receipt of the Order, but you failed to do so.

To date, the WVDEP has not received payment for the fees pursuant to the Underground Storage Tank Fees Assessment Rule described herein. If payment of the \$2,160.00 fee amount is not made within thirty (30) days of receipt of this letter, the WVDEP Office of Legal Services shall file the enclosed complaint in the Magistrate Court of Preston County in order to obtain a judgment from the Court for the amount owed. Please be advised that should the WVDEP Office of Legal Services be forced to take legal action in order to collect the monies owed, you could incur additional court costs and fees.

Promoting a healthy environment.

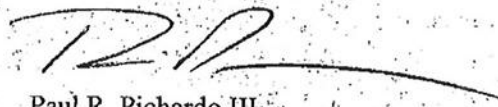
Mr. Ernest Martin
April 12, 2011
Page 2

The fees shall be submitted to:

Attn: Paul R. Pichardo III
Office of Legal Services
Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

Thank you for your prompt attention to this matter.

Sincerely,



Paul R. Pichardo III

Enclosures
cc: Michael A. Zeto, Chief Inspector



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0495
Fax: (304) 926-0463

Joe Manchin III, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER THE
UNDERGROUND STORAGE TANK ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 17**

TO: Ernest Martin
4906 Garrett Hwy
Oakland, MD 21550

DATE: September 7, 2010

ORDER NO.: UST-10-053

INTRODUCTION

The following findings are made and Order issued to Ernest Martin pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 17, Section 1 et seq. of the Code of West Virginia.

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. Ernest Martin is the owner of Underground Storage Tanks located at Bishop Convenience Store, WV ID No. 3-906331.
2. Ernest Martin has failed to make full and timely payment of fees pursuant to the Underground Storage Tank Fess Assessment Rule, in violation of Legislative Rule Title 33, Series 31, Section 4.5. (Invoice Attached).
3. On September 24, 2009, Notice of Violation No. 0909-0075 was issued to Ernest Martin for failure to pay its underground storage tank fees.

ORDER FOR COMPLIANCE

And now, this 7th day of September, Ernest Martin is hereby ORDERED by the Director as follows:

1. Ernest Martin shall immediately take measures to initiate compliance with all terms and conditions of this Order.

Promoting a healthy environment.

2. Within ten (10) days of the effective date of this Order, Ernest Martin shall remit full payment of all UST fees owed according to the Underground Storage Tank Registration Invoice attached to this Order. Payment shall be made to West Virginia Department of Environmental Protection (WVDEP) for deposit in the Underground Storage Tank fund. The fees shall be submitted to:

Program Manager, WVDEP/UST
Environmental Enforcement - Mail Code #031327
601 57th Street SE
Charleston, WV 25304

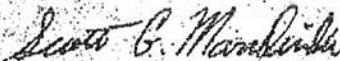
OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Ernest Martin of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Ernest Martin to additional enforcement action in accordance with the applicable law.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
3. This Order is binding on Ernest Martin its successors and assigns.
4. This Order shall terminate upon Ernest Martin's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 18, Article 17, Chapter 22 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This Order shall become effective upon receipt.



Scott G. Mandirola, Director
Division of Water and Waste Management



UNDERGROUND STORAGE TANK REGISTRATION INVOICE

PHONE: (304) 926-0465
FAX: (304) 926-0481

Department of Environmental Protection. Page 1 of 3
Division of Water and Waste Management(UST Program)
601 - 57th Street
Charleston WV 25304

INVOICE NO: 00242305
Invoice Date: 07/12/2010
Remit By: 05/31/2010

Owner
MARTIN, ERNEST
4906 GARRETT HWY
OAKLAND, MD 21550

Facility
3-906331 - BISHOP CONVIENCE STORE
BOX 345 RT 50
AURORA, WV 26705

Annual UST registration fees are issued pursuant to the WV Underground Storage Tank Act (22-17). 2004 fees are \$90 for each petroleum and \$65 for each hazardous substance UST. Misc. fees indicate past due fees or credits: 1988 was \$20.41/tank; 1989 was \$31.00/tank; 1990, 1991 and 1992 was \$45.00/tank; 1993, 1994 and 1995 was \$50.00/tank; 1996 and 1997 was \$25.00/tank; 1998, 1999, 2000, 2001, 2002 and 2003 was \$50.00/tank. After 30 days a 50% late fee applies.

Tank ID	Capacity in Gal.	Substance	Transaction Description	Amount
1	4000	Gasoline	2005 Base Fee : Base Fee	\$90.00
2	4000	Gasoline	2005 Base Fee : Base Fee	\$90.00
3	4000	Gasoline	2005 Base Fee : Base Fee	\$90.00
1	4000	Gasoline	2006 Base Fee : Base Fee	\$90.00
2	4000	Gasoline	2006 Base Fee : Base Fee	\$90.00
3	4000	Gasoline	2006 Base Fee : Base Fee	\$90.00
1	4000	Gasoline	2007 Base Fee : Base Fee	\$90.00
2	4000	Gasoline	2007 Base Fee : Base Fee	\$90.00
3	4000	Gasoline	2007 Base Fee : Base Fee	\$90.00
			2007 Late Fee : Late fee	\$135.00
1	4000	Gasoline	2008 Base Fee : Base Fee	\$90.00
2	4000	Gasoline	2008 Base Fee : Base Fee	\$90.00
3	4000	Gasoline	2008 Base Fee : Base Fee	\$90.00

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT
PLEASE DO NOT STAPLE

Billed To: MARTIN, ERNEST
4906 GARRETT HWY
OAKLAND, MD 21550
Facility: 3-906331

INVOICE NO: 00242305
INVOICE DATE: 07/12/2010
REMIT BY: 05/31/2010
AMOUNT DUE: \$2,160.00

REMIT TO:
DEP - UST PROGRAM
P O BOX 40266
CHARLESTON WV 25364-0266

To pay this invoice with a credit card, please call 304-926-0499 ext 4888. Only Visa and MasterCard are accepted.

22800180216000053120100000024230539063313325



UNDERGROUND STORAGE TANK REGISTRATION INVOICE

PHONE: (304) 926-0485

FAX: (304) 926-0481

Department of Environmental Protection
Division of Water and Waste Management(UST Program)
601 - 57th Street
Charleston WV 25304

Page 2 of 3

INVOICE NO: 00242305

Invoice Date: 07/12/2010

Remit By: 05/31/2010

Owner

MARTIN, ERNEST
4906 GARRETT HWY
OAKLAND, MD 21550

Facility

3-906331 - BISHOP CONVIENCE STORE
BOX 345 RT 50
AURORA, WV 26705

Annual UST registration fees are issued pursuant to the WV Underground Storage Tank Act (22-17). 2004 fees are \$90 for each petroleum and \$65 for each hazardous substance UST. Misc. fees indicate past due fees or credits: 1988 was \$20.41/tank; 1989 was \$31.00/tank; 1990, 1991 and 1992 was \$45.00/tank; 1993, 1994 and 1995 was \$50.00/tank; 1996 and 1997 was \$25.00/tank; 1998, 1999, 2000, 2001, 2002 and 2003 was \$50.00/tank. After 30 days a 50% late fee applies.

Tank ID	Capacity in Gal.	Substance	Transaction Description	Amount
1	4000	Gasoline	2008 Late Fee : Late fee	\$135.00
2	4000	Gasoline	2009 Base Fee : Base Fee	\$90.00
3	4000	Gasoline	2009 Base Fee : Base Fee	\$90.00
1	4000	Gasoline	2009 Base Fee : Base Fee	\$90.00
2	4000	Gasoline	2009 Base Fee : Base Fee	\$90.00
3	4000	Gasoline	2009 Base Fee : Base Fee	\$90.00
1	4000	Gasoline	2009 Late Fee : Late fee	\$135.00
2	4000	Gasoline	2010 Base Fee : Base Fee	\$90.00
3	4000	Gasoline	2010 Base Fee : Base Fee	\$90.00
1	4000	Gasoline	2010 Base Fee : Base Fee	\$90.00



UNDERGROUND STORAGE TANK REGISTRATION INVOICE

PHONE: (304) 926-0465

FAX: (304) 926-0481

Department of Environmental Protection
Division of Water and Waste Management(UST Program)
601 - 57th Street
Charleston WV 25304

Page 3 of 3

INVOICE NO: 00242305

Invoice Date: 07/12/2010

Remit By: 05/31/2010

Owner

MARTIN, ERNEST
4906 GARRETT HWY
OAKLAND, MD 21550

Facility

3-906331 - BISHOP CONVIENCE STORE
BOX 345 RT 50
AURORA, WV 26705

Annual UST registration fees are issued pursuant to the WV Underground Storage Tank Act (22-17). 2004 fees are \$90 for each petroleum and \$65 for each hazardous substance UST. Misc. fees indicate past due fees or credits: 1988 was \$20.41/tank; 1989 was \$31.00/tank; 1990, 1991 and 1992 was \$45.00/tank; 1993, 1994 and 1995 was \$50.00/tank; 1996 and 1997 was \$25.00/tank; 1998, 1999, 2000, 2001, 2002 and 2003 was \$50.00/tank. After 30 days a 50% late fee applies.

Tank ID	Capacity in Gal.	Substance	Transaction Description	Amount
			2010 Late Fee : Late fee	\$135.00
YOUR ACCOUNT IS PAST DUE			PLEASE PAY THIS AMOUNT >>>>	\$2,160.00

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as an image transaction. For inquiries, please call 1-866-243-9010.

When we use information from your check to make an electronic fund transfer, Funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

IN THE MAGISTRATE COURT OF PRESTON COUNTY, WEST VIRGINIA

SCOTT G. MANDIROLA, Director,
Division of Water and Waste Management,
West Virginia Department of Environmental
Protection,

Plaintiff,

Civil Action No. _____

ERNEST MARTIN,

Defendant.

COMPLAINT

For his Complaint against Defendant Ernest Martin, Plaintiff Scott G. Mandirola, Director, Division of Water and Waste Management, West Virginia Department of Environmental Protection ("DEP"), by counsel, states as follows:

1. This is a collection action for unpaid Underground Storage Tank Registration Fees pursuant to the Underground Storage Tank Fees Assessment Rule, in violation of Legislative Rule Title 33, Series 31, Section 4.5.
2. Ernest Martin is the owner of Underground Storage Tanks located at Box 345 Route 50, Aurora, West Virginia, ID No. 3-906331.
3. On September 29, 2009, in accordance with the authority vested in DEP by the West Virginia Underground Storage Tank Act, West Virginia Code Chapter 22, Article 17, Section 1 et seq., the DEP issued Defendant a Notice of Violation for failure to make full and timely payment of Underground Storage Tank registration fees, a copy of which is attached hereto as Exhibit A.

4. On September 7, 2010, Defendant was issued an Order to Pay Underground Storage Tank registration fees in accordance with West Virginia Code Chapter 22, Article 17, Section 1 et seq., for failure to pay the Underground Storage Tank registration fees in the amount of Two Thousand One Hundred and Sixty Dollars (\$2,160.00) according to the Underground Storage Tank Registration Invoice, a copy of which is attached as Exhibit B. The Order was not appealed within the timeframe provided by law, and it is now final and incontestable.

5. Defendant has failed to remit payment of the fees to DEP as lawfully directed by the September 29, 2009, Notice of Violation and the September 7, 2010, Order.

WHEREFORE, Plaintiff prays that this honorable Court: (i) enter judgment in favor of Plaintiff and against Defendant in the amount of \$2,160, plus interest; (ii) award Plaintiff the entirety of his costs and attorney fees associated with the prosecution of this action; and (iii) grant Plaintiff such further relief as the Court deems just and proper.

SCOTT G. MANDIROLA, Director,
Division of Water and Waste Management,
West Virginia Department of Environmental
Protection

By Counsel:

Office of Legal Services
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
601 57th Street SE
Charleston, WV 25304
(304) 926-0460

